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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,402	11/21/2003	Steven R. Sedlmayr	AU01021	3352

7590 08/15/2005

Law Office of Roxana H. Yang
P.O. Box 400
Los Altos, CA 94023

EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/719,402

EXAMINER

ART UNIT	PAPER
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20050809

DATE MAILED:

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Commissioner for Patents

Receipt is acknowledged of remarks filed on 22 July 2005 in response to Notice of Nonresponsive Amendment. However, the applicant's arguments are not persuasive.

As outlined in a telephone interview on 9 August 2005 between Examiner Lee Fineman and Applicant's Representative Roxanna Yang, the amendment previously filed on 16 March 2005 is still considered not fully responsive for the following reasons:

Claims 289-346 as originally filed (group XII of the Feb. 1993 restriction) only included a primary beam and further included in step [b] means for resolving the primary beam into a primary first selected beam and a primary second selected beam. This language is clearly directed to the embodiment of fig. 20. The amended language of having multiple primary beams is clearly directed to the patentable distinct embodiment of figs. 20C or 20D which further does not include the limitations of step [b] of each beam having a primary first selected beam and a primary second selected beam. Therefore all pending claims are directed to non-elected subject matter. An amendment presenting only claims drawn to the nonelected invention should not be entered. Such an amendment is nonresponsive. See MPEP §821.03.

Since the amendment appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).


MARK A. ROBINSON
PRIMARY EXAMINER